

REMARKS

This Amendment responds to the Office Action dated April 20, 2006 in which the Examiner rejected claim 1 under 35 U.S.C. §112, second paragraph, and rejected claims 1-3, 5-10, 12-16 and 18-20 under 35 U.S.C. §103.

As indicated above, claim 1 has been amended in order to more particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claim 1 under 35 U.S.C. §112, second paragraph.

As indicated above, claim 8 has been amended for stylistic reasons. The amendment is unrelated to a statutory requirement for patentability and does not narrow the literal scope of the claims.

Claims 1 and 17 claim a demand-supply scheme planning apparatus and claims 8 and 28 claim a demand-supply scheme planning method implemented on a computer. The apparatus and method include a) a plurality of demand-supply steps that are related to a commodity and b) scheme data, regarding each of the plurality of demand-supply schemes, is set according to a profitability index.

Through the structure and method of the claimed invention setting scheme data that maximizes the profitability index, as claimed in claims 1, 8, 17 and 28, the claimed invention can increase profit. The prior art does not show, teach or suggest the invention as claimed in claims 1, 8, 17 and 28.

Claims 1-4, 6-11, 13-17, 19-29 and 36-39 were rejected under 35 U.S.C. § 103 as being unpatentable over *Lilly et al.* (U.S. Patent No. 5,787,000) in view of *Sellers et al.* (U.S. Patent No. 5,311,438).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. §103. The claims have been reviewed in light of the Office Action, for reasons will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

Lilly et al. appears to disclose a computerized system is provided for scheduling a plurality of work orders in a manufacturing process. Each work order to be scheduled specifies a set of operations to be performed using a plurality of resources and materials. Data including resource availability information for each resource used in the manufacturing process, material availability information for each material used in the manufacturing process, and work order information is received and stored in a computer. The work order information includes a release date for the work order, a want date for the work order, operations information, and material requirements information. The operations information includes the identity and sequence of operations to be performed for the work order, the identity of the resources needed to perform each operation, a minimum resource capacity needed to perform each operation, and the time needed to perform the operation. The materials information includes the identity of the materials needed to perform each operation and the quantity of each material needed for the operation. Resource capacity and a start date/time and a finish date/time are assigned to each operation based upon the resource availability information, the material availability information, and the work order information. The assigned resource capacity, the assigned start date/time, and the assigned finish date/time for each operation are displayed on a computer screen in a graphical format. (Abstract).

Thus, *Lilly et al.* merely discloses a single manufacturing process for a part. Nothing in *Lilly et al.* shows, teaches or suggests a plurality of demand-supply steps which are related to a commodity. Rather, *Lilly et al.* merely discloses a single manufacturing process for the part.

Additionally, since nothing in *Lilly et al.* shows, teaches or suggests a plurality of demand-supply steps that are related to a commodity, nothing in *Lilly et al.* shows, teaches or suggests calculating a profitability index for each of the plurality of demand-supply steps and setting the scheme data that maximizes the profitability index as claimed in claims 1, 8, 17 and 28. Rather, *Lilly et al.* merely discloses a single manufacturing process for a part.

Sellers et al. appears to disclose a manufacturing system utilizes a common database structure and product definition to achieve true integration of multiple systems. The production definition includes an item and specification to define material or resources used in or related to a manufacturing process. The item identifies the material or resources, and the specification describes its performance specifications. Multiple manufacturing systems each utilize the same common database structure and product definition for processing data. These systems may include an Environmental, Health, Safety & Training system to manage environmental and health aspects of the manufacturing process. A New Product Development system may also be integrated with the common database to facilitate and automate the process of developing new products. The true integration of manufacturing systems allows full communication among the systems and automates many functions, such as generating reports and monitoring of hazardous materials and agents. (abstract) The Create and Submit A Request conversation

(PD03) may be used to define a request for a new product and submit the request to a selected business manager. The list screen may be used to select an unsubmitted design request for modification or choose to create a new request. The detail screens in this conversation may be used to document the business case for the requested effort. Enter customer and prospective marketplace information, existing competitors, reasons for the request, and the detailed end-product specifications as either required or desired by the customer. If desired, enter additional comments about the request. After submitting a design request, the system sends an electronic mail message to notify the appropriate business manager. (col. 71, lines 32-47)

Use the Design Request Financial Analysis conversation (PD19) to create, maintain, and review various financial simulations associated with for a design request. A list screen displays all of the financial simulations currently defined in the system. Use first detail screen in this conversation to document the expected investment outlays and estimated operating cash flows over the entire economic life of the new product. Also document the assumptions and cost estimates used to determine the cash flows on this screen. The second detail screen contains results of a present value analysis applied to the estimates entered on the first screen. This analysis provides some basic financial parameters such as the net present value, profitability index, internal rate of return, and the present value payback period (col. 113, lines 32-49).

PURPOSE: To browse the results of a present value analysis applied to the estimated investments and cash flows. These results include the net present value, profitability index, and internal rate of return. Also use this screen to review financial comments and estimated costs (col. 114, lines 31-36).

Thus, *Sellers et al.* merely discloses determining a profitability index based upon investment outlays and estimated operating cash flow over the economic life of a new product. Nothing in *Sellers et al.* shows, teaches or suggests a plurality of demand-supply steps that are related to a commodity and setting scheme data as a demand-supply scheme that maximizes the profitability index as claimed in claims 1, 8, 17 and 28. Rather, *Sellers et al.* merely discloses determining profitability index over the entire economic life of a new product.

A combination of *Lilly et al.* and *Sellers et al.* would merely suggest to manufacture a product using the single manufacturing process of *Lilly et al.* and to determine the profitability index of the product over the life of the product as taught by *Sellers et al.* Thus, nothing in the combination of *Lilly et al.* and *Sellers et al.* shows, teaches or suggests that a plurality of demand-supply steps relate to a commodity and that scheme data is selected according to the profitability index. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 1, 8, 17 and 28 under 35 U.S.C. §103.

Claims 2-4, 6-7, 9-11, 13-15, 19-27 and 36-39 depend from claims 1, 8, 17 and 28 and recite additional features. Applicants respectfully submit that claims 2-4, 6-7, 9-11, 13-15, 19-27 and 36-39 would not have been obvious within the meaning of 35 U.S.C. §103 over *Lilly et al.* and *Sellers et al.* at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 2-4, 6-7, 9-11, 13-15, 19-27 and 36-39 under 35 U.S.C. §103.

Claims 5, 12 and 18 were rejected under 35 U.S.C. §103 as being unpatentable over *Lily et al.* and *Sellers et al.* and further in view of *Edstrom et al.* (U.S. Patent No. 5,233,533).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. §103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since the combination of the primary references do not show, teach or suggest the primary features as claimed in claims 1, 8, 17 and 28, Applicants respectfully submit that the combination of the primary references with the secondary reference to *Edstrom et al.* will not overcome the deficiencies of the primary references. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 5, 12 and 18 under 35 U.S.C. §103.

Thus, it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

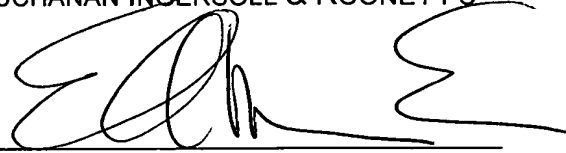
In the event that any additional fees are due with this paper, please charge
our Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 12, 2006

By:

A handwritten signature in black ink, appearing to read 'EMAS', written over a horizontal line.

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